

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
JUNE 7, 1967

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, June 7, 1967, in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - BROWN, CULBERTSON, HUNNELL,
WALTON and KIRSTEN (Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, City Attorney Mullen, Administrative Assistant Peterson and Planning Director Schroeder.

MINUTES

On motion of Councilman Walton, Brown second, minutes of May 17, 1967 were approved as written and mailed.

PUBLIC HEARINGS

VERNON WELDIN
RE: ABC LICENSE

Mr. Vernon Weldin, 1801 Analitis Drive, appeared before the Council to answer any questions the Council might have concerning his application for an on-sale beer license which was scheduled to be read under "Communications." Mr. Weldin said he was requesting the license because it proved unprofitable to operate his business as a teen-age recreation center. He said persons under 21 would no longer be permitted in his business if the license is granted. The Council had no questions.

PLANNING COMMISSION

FINAL MAP
WESTLAKE SUBD.
UNIT #1

All requirements of the subdivision ordinance having been met by the subdivider, the final map of Westlake Subdivision, Unit #1, was presented to the Council. On motion of Councilman Culbertson, Hunnell second, the map of Westlake Subdivision, Unit #1, was approved with Mayor Kirsten abstaining because of personal interest.

LAKEWOOD
SUBDIVISION,
UNIT #4

All requirements of the subdivision ordinance having been met by the subdivider, the final map of Lakewood Subdivision, Unit #4, was presented to the Council. The Council discussed the problem of policing the levee of the Mokelumne River which is situated directly behind this subdivision. Councilman Hunnell requested that the City Manager furnish the Council with a report on levee policing problems. On motion of Councilman Culbertson, Brown second, the map of Lakewood Subdivision, Unit #4, was approved.

PLANNING
COMMISSION
ACTIONS

MENNONITE
BRETHREN
REZONING

The Planning Commission recommended the approval of the request of the Mennonite Brethren Church of Lodi for a change in zoning from the R-1, Single-Family Residential District to the R-3, Limited Multiple-Family Residential District for a parcel located on the east side of South Mills Avenue, south of West Vine Street in the Royal Crest Subdivision. Following a brief discussion of the concept of the Planned Development Zone, it was moved by Councilman Brown, Walton second that the matter be set for public hearing on June 21, 1967.

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TOKAY STREET
EXTENSION

The Planning Commission asked the Council if it desired an immediate recommendation on the desirability of extending West Tokay Street between Ham Lane and Fairmont Avenue or if it wished this recommendation to wait until the traffic study is completed. City Manager Graves reported the City's traffic consultant, Dr. D. Jackson Faustman, had given a "qualified" recommendation that the street go through, but that this recommendation is subject to change based on actual traffic counts and other information. The property is in the process of being negotiated for sale which prompted the Planning Commission's request. Mayor Kirsten said he felt such a decision should wait until after the results of the traffic survey. It was moved by Councilman Walton, Hunnell second, and approved that the Planning Commission be informed that the Council is not prepared at this time to make a recommendation concerning the possibility of extending West Tokay Street.

OTHER PLANNING
COMMISSION
ACTIONS

The City Manager reported the following additional actions of the Planning Commission taken at its meeting of May 22:

1. Approved the request of Mr. Fred Baybarz for a use permit to use the rear 51 feet of residential lots with a depth of 163 feet on South School Street between Sierra Vista Place and Park Street as an off-street parking lot for an existing industrial use in an area zoned R-3, Limited Multiple-Family Residential, subject to certain conditions.

Councilman Culbertson asked that the Council be advised of the reasons for specific use permit conditions as they are applied to various permits.

2. Denied the request of Guaranteed Homes for a change in zoning from the R-2, Single-Family Residential District to the R-3, Limited Multiple-Family Residential District for all the residentially-zoned area of Voelker Drive.

3. Approved the request of Mr. James W. Baum for a use permit to add one stall to an existing Mobilehome Park at 320 North Cherokee Lane in an area zoned "M" Industrial.

4. Determined that a zoning hardship existed and approved the request of Mr. George Ferrero for a variance to permit an addition to an existing dwelling having a nonconforming rear yard of 8 feet at 729 South Rose Street in an area zoned R-2, Single-Family Residential.

5. Determined that no zoning hardship existed and denied the request of Mr. Roy Yarborough for a variance to reduce the required yard area in an R-1, Single-Family Residential zone from 6500 square feet to 6205 square feet to permit the erection of a single-family dwelling on the north 85 feet of Lot 20 of the Elmhaven Subdivision (47 North Allen Drive).

COMMUNICATIONS

SUPPORT OF
SISTER-CITY
PROGRAM

A letter from the National League of Cities asking for financial support of the Sister-City Program was read. It was moved by Councilman Culbertson, Walton second, that \$50 be appropriated for this purpose. After a

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brief discussion concerning the benefits of this organization to the community, Councilman Walton withdrew his second and Councilman Culbertson withdrew his motion in order to introduce a new motion. It was then moved by Councilman Culbertson, Walton second that \$100 be appropriated for this program. This amount was that suggested for cities the size of the City of Lodi. Councilman Hunnell and Brown questioned this amount. The motion was passed by the following vote:

Ayes: Councilmen - CULBERTSON, WALTON and KIRSTEN

Noes: Councilmen - HUNNELL and BROWN

CABLE
TELEVISION

A letter was read from the law firm of Neumiller, Beardslee, Diehl, Siegert, Glahn, and Shephard asking that any action contemplated by the Council or staff with respect to community antenna television franchises be undertaken "with reasonable notice" to the law firm. The firm represents California Antenna T.V., Inc. The Council ordered the letter filed. Councilman Culbertson said CATV may be on the program of the next League of California Cities conference or the next Mayors' and Councilmen's Institute.

RESOLUTION OF
APPRECIATION
TO SHARPE
ARMY DEPOT

The Council was advised of the 25th Silver Anniversary of Sharpe Army Depot. On motion of Councilman Culbertson, Hunnell second, the Council adopted Resolution No. 3052 expressing appreciation to Sharpe Army Depot for its contribution to the area.

RES. NO. 3052

VERNON LEHR
APPEAL

A letter was read from Mr. Vernon Lehr, 324 Edythe Street, Livermore, California, appealing the decision of the Planning Commission in denying his request for the rezoning of his property at 1442 Voelker Drive from R-2, Single Family Residential, to R-3, Limited Multiple-Family Residential. On motion of Councilman Walton, Hunnell second, the appeal was set for public hearing at the meeting of June 21, 1967.

CITY PARTICI-
PATION IN
CLEAN-UP DAY

A letter from the Lodi District Chamber of Commerce was read expressing appreciation for the City's participation in the Chamber-sponsored Clean-Up Day.

ANNEX BORON
ADDITION

RES. NO. 3051
ADOPTED

A petition was received from owners of not less than one-fourth of the land area and by assessed valuation for annexation of 2.32 acres to be known as "Boron Addition." The proposed annexation was approved by the Local Agency Formation Commission of San Joaquin County on April 21, 1967. On motion of Councilman Walton, Brown second, the City Council adopted Resolution No. 3051 declaring the Council's intention to annex the property and setting public hearing thereon for July 19, 1967.

ABC LICENSES

The following notices of application for alcoholic beverage license were read:

1. Person-to-Person Transfer to Douglas King, On-Sale Beer, The Playboy, 7 South Sacramento Street.
2. Original Application to George Babas and Lauren Van Kirk, Off-Sale Beer and Wine, Tokay Market No. 2, 203 South School Street.

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3. Original Application to Betty C. and Vernon W. Weldin, On-Sale Beer, Vern's Reck Room, 14 South School Street.
4. Transfer to James S. Leong and Donald Wong, On-Sale Beer, New Shanghai Restaurant, 100 East Pine Street.

REPORTS OF CITY MANAGER

CLAIMS Claims in the amount of \$192,998.19 were approved on motion of Councilman Hunnell, Walton second.

AWARD - Mr. Graves presented the following bids on one compact
COMPACT CAR four-door sedan:

RES. NO. 3053	Weil Motors	\$1,699.00
	Loewen Auto Company	1,700.00
	Green Ford Sales	1,773.30

On motion of Councilman Walton, Brown second, the City Council adopted Resolution No. 3053 awarding the contract to the low bidder, Weil Motors, for a total of \$1,699.00.

SPECS - The City Manager presented specifications for a 1967
BACKHOE model industrial tractor loader backhoe combination.
LOADER The specifications were approved and the calling for bids thereon was authorized on motion of Councilman Culbertson, Walton second.

SUBSTITUTION The City Manager reported that U.S. Steel, the success-
OF SUBCONTRACTOR ful bidder on the Basin B-1 fencing project, has
ON B-1 FENCING requested a change in subcontractor for the concrete work involved in the fencing project because the subcontractor was unable to furnish a required bond. The new subcontractor is William Burkhardt. On motion of Councilman Hunnell, Culbertson second, the Council approved the substitution of contractors.

AMEND Mr. Graves presented an amendment to the Subdivision
SUBDIVISION Ordinance providing for a 100% performance bond and
ORDINANCE 50% - 100% labor and materials bond. This is in conformance with State law. Mayor Kirsten said he felt it unfair to place such a heavy burden on developers.

ORD. NO. 841 Councilman Hunnell said the bonds were for the pro-
INTRODUCED tection of all citizens. The City Manager explained that the City has been requesting 100% performance bond and 50% labor and materials. Thus developers will not be significantly affected by the amendment. On motion of Councilman Walton, Culbertson second, the City Council introduced Ordinance No. 841 amending Section 22-4(d) of the City Code (Subdivision Ordinance) to provide for a performance bond of 100% and a labor and materials bond of 50% to 100%.

AMEND City Manager Graves presented a recommendation that
CLASSIFICATION class title changes of three professional engineering
PLAN classes be approved. They were:

RES. NO. 3054	OLD TITLE	NEW TITLE
	Civil Engineer I	Junior Civil Engineer
	Civil Engineer II	Assistant Civil Engineer
	Civil Engineer III	Associate Civil Engineer

The title changes involve no salary adjustments and are in line with common title usage throughout the State. On motion of Councilman Hunnell, Walton second, the Council approved the class title changes.

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ENDORSEMENT
OF COUNTY EDA
APPLICATION

RES. NO. 3055

Mayor Kirsten reported the Council has been asked to lend its support to a San Joaquin County Economic Development Agency application for a federal grant to assist in the development of the Port of Stockton. The Mayor pointed out that the City of Lodi is not obligated financially. On motion of Councilman Hunnell, Culbertson second, the City Council adopted Resolution No. 3055 supporting the Port of Stockton's application.

ABANDON
EASEMENT

LLOYD AND
WOODROW STS

The City Manager reported that the Public Works Director has requested the abandonment of an easement lying directly north of the Walnut Orchard subdivision. The easement has never been used and there is no present or prospective need for its use. The easement is six feet wide, lying directly north of the Walnut Orchard subdivision and running from Lloyd Street easterly. On motion of Councilman Walton, Brown second, the City Council adopted an order of abandonment abandoning this easement.

BEQUEST FROM
GEORGINA JONES
ESTATE

Mr. Graves reported that the City had received a bequest from the Georgina Jones Estate in the amount of \$26,416.94 to be spent within one year. Councilman Walton said he thought a fountain in the Civic Center mall would be an appropriate use for a portion of the money. The City Manager asked Councilman to transmit to him any ideas they may have regarding use of these monies.

RENEWAL OF
GRAPE FESTIVAL
CONTRACT

The contract between the City and the Grape Festival (San Joaquin County) was introduced for renewal for another five-year period. On motion of Councilman Walton, Brown second, the Council approved the contract renewal.

ASSIGNMENT
OF LODI LAKE
CONCESSION

The City Manager reported the assignment of the Lodi Lake Park concession from Ted Yamada to Ted Yamada and Cappy Harada.

LEASE OF
CITY LAND ON
THORNTON ROAD

The City Manager presented a copy of a lease agreement between the City of Lodi and Mr. Pete J. Kooyman for certain City-owned lands at the site of the City's new sewage treatment plant. The lease terminates December 31, 1970 and is for agricultural purposes. On motion of Councilman Hunnell, Walton second, the City Council approved the lease and authorized the City Manager to execute same.

UTILITIES
TAX BILL

Mr. Graves reported to the Council that a bill to tax all utilities with a sales tax of 5% is in the State Legislature. He said the tax applies to industrial uses, not residential. He added that if the bill applies to private utilities as well, the City should not oppose it. The Council took no action.

GIFT OF
FOUR HONDA
MOTORCYCLES

It was reported that Mr. Ed Beoshanz, 217 East Pine Street, operator of a motorcycle shop, has offered to give the City four new Honda motorcycles. The motorcycles would be for use as the City saw fit. By the common consent the Council accepted the offer.

REQUEST FOR
FIRE PROTECTION
BY COMMUNITY
HOSPITAL

The City Manager reported that the insurance agent for the new Community Hospital has requested the City to provide fire protection for the hospital even though the facility is not within the City limits. Mr. Graves said he was interested in the Council's reaction before pursuing the matter. He said the City has a mutual aid agreement with the Woodbridge Fire District so Lodi

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could be called upon in the event of a major fire there. The Council was opposed to any agreement that would involve the City providing primary fire protection service outside the City limits. Councilman Hunnell pointed out that the closing of the old Community Hospital will result in there being no medical facilities of any kind east of the Southern Pacific Railroad tracks and that this should be a factor in considering the importance of a grade separation.

ACCEPT
LODI AVE. R/W
DEEDS

City Attorney Mullen presented two deeds obtained for the widening of West Lodi Avenue. The deed from C. H. and Georgia Blewett provides that the Blewetts receive \$2,170 less \$850 to cover the cost of installing new curb, gutter and sidewalk. The net amount is \$1,320. The deed from Violet Dause provides that she receive \$2,040 less \$577.50 to cover the cost of installing new curb, gutter and sidewalk. The net amount is \$1,462.50. On motion of Councilman Walton, Hunnell second, the City Council accepted the deeds.

SETBACK
LINE
POLICY

DEVELOP
HAM LANE -
LODI AVE.
INTERSECTION

Res. No. 3050

City Manager Graves opened a discussion of the City's policy concerning setback lines. Setback lines are established when the City determines the necessity of a future street widening. Mr. Graves said the City has an obligation to purchase property involved in a setback. He said an individual cannot count that area outside of a setback line in computing the size of a parcel for construction purposes. Councilman Culbertson said if an individual indicates a desire to develop his property and a setback line is involved, that individual should be compensated for the land at once. Councilman Walton said the City should not purchase such property until the owner is ready to actually develop the parcel. Councilman Culbertson said his main concern was that any person so involved be made immediately aware of the City's intention.

Councilman Hunnell, as an extension of the discussion on setback policy, said he felt the City should move at once to purchase the necessary right of way at the northwest corner of Ham Lane and West Lodi Avenue so that intersection could be improved. Mr. Graves said three corners could be improved at this time, the exception being the northeast corner. Councilmen Culbertson and Walton both expressed a desire to improve the intersection at this time, including traffic signals. Councilman Culbertson moved, Walton second, that condemnation proceedings be initiated on the property required for the development of the northwest corner. Councilman Kirsten said the expense was too great to do it at this time. The ~~motion~~ ^{resolution} was ~~adopted~~ ^{adopted} by the following vote:

Ayes: Councilmen - CULBERTSON, BROWN, HUNNELL
and WALTON

Noes: Councilmen - KIRSTEN

Councilman Culbertson requested the staff investigate the possibility of lengthening the radius of the northeast corner of the Ham Lane-Lodi Avenue intersection.

AREA
PLANNING

On motion of Councilman Culbertson, Walton second, the City Council set June 21, 1967 as the date for the public hearing on the City's participation in the Cities and County of San Joaquin Advisory Planning Association.

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the adoption of Resolution No. 3056 providing

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WELLSWOOD
AVE. HOUSE

Councilman Brown inquired as to the status of the house on Wellswood Avenue moved there by Maurice Ray, but to date not set down on a foundation. The City Manager was asked to report on this matter at the next regular meeting of the City Council.

PUBLIC
EMPLOYEES'
WEEK

Mayor Kirsten called attention to the fact that the week of June 4-10 was Public Employees' Week and he commended all City employees for their high level of performance. The Council requested the Mayor to write a letter to the editor of the Lodi News-Sentinel expressing the Council's appreciation for the loyal service of the City employees.

EXECUTIVE
SESSION

At 11:25 p.m. the Council adjourned to an executive session. The Council reconvened five minutes later.

ADJOURNMENT

There being no further business the Council adjourned at 11:30 p.m.



Attest: THOMAS A. PETERSON
Deputy City Clerk